

**TOWN OF EUREKA
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO.**

ORDINANCE 3, CHAPTER 9 FENCES

THE TOWN BOARD OF EUREKA TOWNSHIP HEREBY ORDAINS:

PURPOSE. The purpose of this Chapter is to establish standards for the installation of fencing and to protect the general health, safety, and welfare of the citizens of Eureka Township by regulating the aesthetics, quality and location of fences.

SECTION 1 – FENCES ARE ALLOWED. Fences shall be allowed and shall be constructed in compliance with the provisions of this Chapter. This Chapter shall apply to lots of 3.0 acres or less in size if contiguous with one or more lots of 3.0 acres or less in size.

SECTION 2. APPROVAL REQUIRED. No person or business entity shall construct or erect or cause to be constructed or erected within Eureka Township any fence, as defined in Section 4 of this Chapter, without first **applying for and** obtaining an administrative fence approval from the Township. **Every application for an administrative fence approval shall provide such information and pay such fees as the Town Board may require. The Township shall issue no administrative fence approval until all of the requirements of this Chapter have been fully complied with.**

SECTION 3. LOCATION: BOUNDARY LINE FENCES.

- 3.1 **Location.** All boundary line fences, including footings, shall be located entirely ~~upon~~ **within** the private property of the person or business entity constructing or causing the construction of such fence unless the owner of the adjoining property agrees, in writing **in recordable form**, that such fence may be erected on the division line of the prospective properties. **Said agreement shall be recorded by the applicant with the Dakota County Recorder, and proof of recording shall be provided to the Town Clerk, before the administrative fence application is approved.**

- 3.2 **Boundary Lines.** The applicant proposing to construct a fence is responsible for verifying the location of the property lines of the property upon which the fence is to be constructed. **For all boundary line fences, applicant shall submit with the application a survey from a licensed surveyor showing the location of the proposed fence. If the survey does not show the boundary line fence, including footings, is located entirely within the property of the applicant, the provisions of Section 3.1 of this Chapter shall apply. If the survey monuments monumenting the boundaries of the property can be located, the Township has the authority to, and shall require, the applicant to submit a survey prepared by a registered owner of the property upon which the fence is to be constructed and the property owner(s) of the adjoining properties enter into a written agreement regarding the location of the fence to be built. Said agreement shall be recorded with the**

~~Dakota County Recorder, and proof of recording shall be provided to the Town Clerk, before the administrative fence application is approved.~~

- 3.3 Traffic. On corner lots, no fence shall be allowed which blocks roadway intersection sight lines.

SECTION 4. CONSTRUCTION.

- 4.1 Materials and Method of Construction. Fences shall be constructed in a substantial, workman-like manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Fencing material may consist of dimensional, solid, sawn, decay-resistant lumber, chain link fencing material with corrosion protection or other material as allowed by the Town Board. The finished side of the fence shall face abutting properties and/or the street rights-of-way. Fences constructed for agricultural purposes may consist of barb wire. Electric fences shall be allowed for agricultural operations. The party who constructed the fence shall, to the extent practicable, maintain said fence in a reasonable and sound condition. This shall include the cutting of grass and any other foliage which grows next to the fence, to the extent said grass and foliage are within the boundaries of the lot or tract of land enclosed by said fence.
- 4.2 Fence Height (Residential). Fences constructed for residential purposes including security shall not exceed a maximum height of seven (7) feet. The Town shall have the right to limit the height of fences abutting a public right-of-way if in the Town's opinion the fence may interfere with traffic visibility.
- 4.3 Security Fences (Non-residential). Fences constructed for security purposes may include barb wire security arms consisting of no more than three (3) strands of barb wire. The minimum height of the security arm shall be six (6) feet above the surface and should be angled in a manner which does not endanger the public and does not overhang a neighboring property. Any portion of a security fence which abuts a residential property shall not be allowed to be topped with barb wire. Non-residential security fences shall not exceed ten (10) feet in height.

SECTION 5. EXEMPTION. Any fence whose use is part of an agricultural operation shall be exempt from the terms of this chapter.

SECTION 6. OTHER TERMS.

- 6.1 Swimming Pool Safety Fences. Fences constructed to enclose a swimming pool shall be bound by the provisions of Section 9, Chapter 4, Ordinance 3, to the extent that the provisions of this chapter conflict with the provisions of said Section 9, the provisions of Section 9 shall supersede and override the provisions of this Chapter.
- 6.2 Exceptions. The following fences shall not require administrative fence approval, except as noted, however they will be subject to all other provisions of this Chapter:

- (a) Any fence less than three (3) feet in height. However, said fence shall still be bound by the provisions of Paragraphs (1) and (2) of Section 3 of this Chapter, and the provisions of Paragraphs (1) and (3) of Section 4 of this Chapter;
- (b) Maintenance, upkeep and/or repair of fences;
- (c) Any underground electric pet fencing; and
- (d) Any temporary fencing installed to control snow. Fences installed at construction sites for safety purposes. Silt fencing installed to control soil erosion.

SECTION 7. APPROVAL EXPIRATION. The administrative fence approval shall expire if work on the fence is not commenced within 180 days from the date of issuance or if work is suspended or abandoned for 180 days.

SECTION 8. SEPARABILITY. It is hereby declared to be the intention that the several provisions of this Chapter are separable in accordance with the following: If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgement.

SECTION 9. ADOPTION AND ENACTMENT. This Ordinance shall become effective upon its passage and publication.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon its passage and the first day of publication.

Dated:

Town Board Chair

Town Clerk